

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9938 of 1998

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

VIJAY KUMAR DAHYABHAI MAKWANA

Versus

COMMISSIONER OF POLICE

Appearance:

MR ANIL S DAVE for Petitioner

MS PUNANI AGP for Respondent No. 1, 2, 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 28/07/1999

ORAL JUDGEMENT

Heard the learned advocates for the respective parties.

The petitioner challenges the order of preventive detention dated 6th November, 1998, made by the Commissioner of Police, Ahmedabad City, under the powers conferred upon him under sub-section (1) of section 3 of the Gujarat Prevention of Anti Social Activities Act, 1985 (hereinafter referred to as 'the Act').

The petitioner is alleged to be a 'dangerous person' within the meaning of section 2 (c) of the Act, and his activities are held to be prejudicial to the maintenance of law and order.

It appears that four offences punishable under Chapter-XVII of the IPC have been registered against the petitioner and others. Two of the other accused are one Bharat Chauhan and Jatin @ Atul. The order of preventive detention made against the said Bharat Chauhan was revoked by the State Government. Similarly, the order of preventive detention made against the said Jatin Atul has also been revoked by the State Government. No reasons are assigned for revocation of the order of detention made against the aforesaid two co-accused of the petitioner. Since the said two co-accused were detained on the same grounds and have been released, the present petitioner also requires to be given a fair treatment. In view of the revocation of the orders made against the co-accused of the petitioner, the continued detention of the petitioner is not warranted.

Petition is, therefore, allowed. The impugned order dated 6th November, 1998 (Annexure-A to the petition) is quashed and set aside. Rule is made absolute. The petitioner, unless is required to be detained in some other case, be released forthwith.

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JOSHI